

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

Applicant/Contact name and address:

**MIKE O'CONNOR
250 EAST COPPER DRIVE
PLAINSFIELD, IL 60544**

1. *Type of action:* **APPLICATION FOR BENEFICIAL WATER USE PERMIT
NO. 43C-30030174**
2. *Water source name:* **UNNAMED TRIBUTARY OF THE EAST FORK OF FIDDLER
CREEK**
3. *Location affected by project:* **SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 8, T6S, R17E, STILLWATER
COUNTY.**
4. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
**This project is to use surface water from an un-named tributary of East Fork
Fiddler Creek for creation of a fire suppression reservoir. The application
requests a volume of 1.0 acre-feet (AF) of water retained from January 1st to
December 31st inclusive each year. This un-named tributary is supported by
springs as well as runoff from the 968 acre watershed. The dam will retain a
maximum volume of 1.0 AF of water and excess water will pass through the
reservoir. The dam is located in the SENWNE of Sec. 8, T6S, R17E, in Stillwater
County. The place of use is within the same $\frac{1}{4}$ section legal description as the
dam in Stillwater County. The requested water will be used solely for emergency
fire fighting and fire suppression.**

**The DNRC will issue a provisional water use permit if all criteria for issuance
under §§ 85-2-311, MCA are met.**

5. *Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)*
Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)
Stillwater County Planning Office

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: **No significant impact.**

This unnamed tributary to the East Fork of Fiddler Creek and is not on the Montana Fish Wildlife and Parks list of chronically or periodically dewatered streams. This creek is partially supported by spring water and only seems to have no flow in the winter when it freezes. The proposed reservoir on this application could cause some decrease in the flow of the stream in the case of use for fire suppression. There will be impacts on the source from this proposed use, but those impacts are not expected to be significant.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: **No significant impact.**

The East Fork Fiddler Creek is not on the Montana Department of Environmental Quality's list of water quality impaired or threatened streams. This proposed emergency use reservoir should have no significant impact on water quality issues in the area.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: **No significant impact.**

This application is requesting the use of surface water; therefore, no significant impacts to groundwater quality or quantity are expected.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: **No significant impact.**

The applicant will construct a dam and impound approximately 1.0 acre-foot of water at the proposed point of diversion. Using a 9-horsepower pump water will be moved from the reservoir to the applicants' property through a 2 to 2 ½ inch hose-line at a rate of 350 GPM for a maximum of 15-hours. This proposed use might alter the historic flow of this small stream; during the initial reservoir fill or during the 15-hours of use during an emergency. There will be some disturbance during the construction, and operation of the appropriation works, but the impacts are not expected to be significant.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No significant impact.

The Montana Natural Heritage Program has identified four species of concern within this proposed project area: the Grey Wolf (*Canis lupus*), Canada Lynx (*Lynx canadensis*), Grizzly Bear (*Ursus arctos*) and Wolverine (*Gulo gulo*) . It is not expected that this proposed project will adversely impact any of these species.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No significant impact.

No wetlands are claimed within the project area.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: No significant impact.

This project will increase the available water to wildlife and any waterfowl in the area and should have little to no effects on fish due to the size of the source.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: No significant impact.

This project should not degrade soil quality or cause saline seep problems within the area. The pond may cater to water to seepage in areas wider than the current stream channel, but it is not expected that saline seep or other negative effects will occur.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: No significant impact.

There will be some soil disturbance during construction of this proposed project and there is a possibility for spread or establishment of noxious weeds. The landowner is responsible for controlling any establishment of noxious weed as a result of disturbance.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: No significant impact.

No deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this project is expected.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: No significant impact.

The State of Montana Historic Preservation Office (SHPO) did not identify any historic or archeological sites of record in the proposed project area. This proposed use of water is not expected to have any significant impact on historical or archeological sites in the area.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No significant impact.**

There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No significant impact.**

This proposed use is not inconsistent with any locally adopted environmental plans and goals for Stillwater County.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No significant impact.**

There should be no significant impacts on recreational or wilderness activities from this proposed use.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: **No significant impact.**

There should be no significant impact on human health from this proposed use.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No **X** If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: **No significant impact.**

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

(a) Cultural uniqueness and diversity? **No significant impact.**

(b) Local and state tax base and tax revenues? **No significant impact.**

(c) Existing land uses? **No significant impact.**

- (d) Quantity and distribution of employment? **No significant impact.**
- (e) Distribution and density of population and housing? **No significant impact.**
- (f) Demands for government services? **No significant impact.**
- (g) Industrial and commercial activity? **No significant impact.**
- (h) Utilities? **No significant impact.**
- (i) Transportation? **No significant impact.**
- (j) Safety? **No significant impact.**
- (k) Other appropriate social and economic circumstances? **No significant impact.**

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: **No significant impact.**

Cumulative Impacts: **No significant impact.**

3. *Describe any mitigation/stipulation measures:* **The applicant is aware that water will be released from the reservoir if at any time a senior water user makes call. The applicant will put an 18-inch culvert in the dam that will allow for quick access to drain the reservoir without damaging the dam itself.**

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*
Mr. O'Connor could drill wells to supply the amount of water he wishes to have for the proposed uses. However, this would be very costly and it is questionable whether the water would be available in the amount requested.

The "no action" alternative would mean that Mr. O'Connor could not have property security and would not have stored water available for fire fighting and suppression.

PART III. Conclusion

- 1. *Preferred Alternative:* **The preferred alternative would be to allow use of water, from the unnamed tributary of the East Fork Fiddler Creek, to fill this reservoir with the condition that there will be no adverse impacts to any senior water rights.**
- 2. *Comments and Responses:* **None to report.**
- 3. *Finding:*
 Yes___ No X *Based on the significance criteria evaluated in this EA, is an EIS required?* **No EIS is required.**

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **No significant environmental impacts were identified, therefore no EIS is required.**

Name of person(s) responsible for preparation of EA:

Name: **Mark V Corrao**

Title: **Water Resources Specialist**

Date: **July 29, 2008**